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Angenehm Law Firm, Ltd.  
P.O. Box 48755  
Coon Rapids, MN 55448-0755

EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,935

Applicant(s)

DAVIS, LEMUEL

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-23 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-23 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1,4-9,11-23 and new claim 35 are pending. Claims 2-3,10,24-34 are canceled.

2. Applicant's arguments with respect to claims 1,4-9,11-23,35 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

3. Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (i.e.: the generation queue, the recording queue). It was unclear that the generation queue, the recording queue are located on client or server or other machine.

4. Claim 35 recites the limitation " the generation queue, the recording queue " in the media master file server sending any jobs requiring customized work to the generation queue and sending jobs not requiring customization work to the recording queue". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35,5-6,11-14,19-23 are rejected under 35 U.S.C. § 103 as being unpatentable over Tripp et al [Tripp 6,516,337 B1] in view of Simpson [6,453,300 B2]

6. As per claim 35, Tripp discloses a media provider, comprising:

a media master file server obtaining a job (i.e.: a file) from a processing job queue, acquiring files for the job at least one area consisting of a media master file server local storage and a media file archival server (i.e.: database server)[Tripp, web server Fig 3 and database on master server, Fig 7],

a media generation client (i.e.: web browser) retrieving the job from the generation queue, performing customization work and returning the job to the master media file server, [Tripp, the brochure has been modified, col 11 lines 57-col 12 line 19; customize or modify a template, col 29 line 49-col 30 line 2]; and

the media recording client (i.e.: local database) retrieving the job from the recording queue and duplicating the files together with a unique digital identification number on the recording medium [Tripp, duplicating the remote data, col 2 lines 50-65; the queue manage transmits a copy to a remote queue manage, col 12 lines 20-62, master index server and the remote user browsers, col 11 lines 40-55].

However Tripp does not detail explicitly "the media master file server sending any jobs requiring customized work (i.e.: customized file) to the generation queue and sending jobs not requiring customization work (i.e.: an origin file) to the recording queue"

In the same endeavor, Simpson discloses a web environment for a personalized application wherein a control program provides a non-customized information is stored (i.e.: queue) and customized code (i.e.: customized work) {Simpson , abstract, col 2 lines 1-47;col 5 lines 23-37; col 8 lines 10-50;col 10 lines 8-32 et seq.] .

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the customized code and non-customized storage area as taught by Simpson into the Tripp's apparatus in order to utilize the copy and customize process. Doing so would provide a quick, simple and reliability to copy and customize the multimedia file over Internet.

7. As per claim 5, Tripp-Simpson disclose the customized job is communicated to the recording queue via the media file master server [Tripp, web server, database server, col 9 line 57-col 10 line 4].

8. As per claim 6, Tripp-Simpson disclose a interface, the user interface being a web site and communicating jobs to the job control master [Tripp, the central server and web site, col 11 lines 15-34]; and a customer database capable of holding data or information about a plurality of customers, such information including name, shipping address, billing address, media preferences, past purchases, and payment information [Tripp, a local database, col 27 lines 45-60];

at least one database server containing the customer database; and a web site network allowing for communications between the web site server, and the database servers [Tripp, web server, database server, col 9 line 57-col 10 line 4].

9. As per claim 11, Tripp-Simpson disclose a media file archival server (i.e.: database on master server) that obtains files in at least one area from the group

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consisting of local storage and the media file archival servers and an archival network allowing for communication between the media file archival server and a plurality of media file clusters [Tripp, database on master server, 704 Fig 7].

10. As per claim 12, Tripp-Simpson disclose the media recording client places a customer specific digital identifier on recorded copies [Tripp, a particular name, col 15 lines 49-61].

11. As per claim 13, Tripp-Simpson disclose the files include at least one member selected from the group consisting of video, games, electronic pictures and sound recordings [Tripp, user select, col 31 lines 1-15].

12. As per claim 14, Tripp-Simpson disclose at least one recording cluster is strictly for recording popular media choices [Tripp, this permits updates is applied to a segment, col 50 lines 44-63].

13. As per claim 19, Tripp-Simpson disclose each media file master server maintains several media files that are the more popular customer selections [Tripp, web server, col 9 lines 10-30].

14. As per claim 20, Tripp-Simpson disclose a media generation client, the media file master server sending a job requiring a computation to the media generation client [Tripp, the agent calculates a digital signature, col 18 lines 24-67].

15. As per claim 21, Tripp-Simpson disclose the media generation client performs computations on media file, modifies media files and generates media files [Tripp, the agent calculates a digital signature, col 18 lines 24-67]

16. As per claim 22, Tripp-Simpson disclose the media generation client sends the files for a job to the recording queue (i.e.: queue database)[Tripp, transferring these entries to the remote queue manager, the entries in the queue are transferred to a queue database, col 23 lines 52-col 24 line 5]

17. As per claim 23, Tripp-Simpson disclose a downloadable applet for a web browser allowing media file customization options to be interactively computed, previewed and selected [Tripp, download brochures, modification requests from user browser, col 11 lines 7-67]; and transmission of customization option selections from the applet to the web site [Tripp, customize or modify a template, col 29 line 49-col 30 line 2].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 4,7-9,15-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Tripp et al [Tripp 6,516,337 B1] in view of Simpson [6,453,300 B2] and further in view of Lewis et al [Lewis 6,233,565 B1].

19. As per claim 4, Tripp-Simpson disclose a media network provides a duplication service to web client. However Tripp does not detail a at least one packaging printer queue, the packaging printer queue receiving jobs from the media file master server that allow for printing of labels and insert to be used in the product packaging for the completed recording.

A skilled artisan would have motivation to implement the duplication services on Tripp-Simpson's apparatus and found Lewis teaching. Lewis discloses an Internet environment wherein the transaction such as a payment between clients and master servers can be printed [Lewis, a master server, print transaction, col 7 lines 15-35; payment, labels via a printer, col 12 lines 11-62; printer preview button, col 19 lines 52-67]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the purchase/transaction receipt, printing labels as taught Lewis into the Tripp's apparatus in order to utilize the duplication services. Doing would provide a unique form of evidence of payment for executing secure electronic transaction.



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20. As per claim 7, Tripp-Simpson-Lewis disclose a media database containing information about a plurality of media files available for purchase, such information including cost, length, available formats, ratings, credits, ownership, royalty requirements, an representative samples pf each media file to be used for customer preview and selection of customization options [Lewis, purchase server, col 17 lines 1-3; pre-scheduled payment, col 17 lines 35-40; optional setting for purchases, col 18 lines 45-52; printer preview button, col 19 lines 52-67; edited, col 20 lines 45-55].

21. As per claim 8, Tripp-Simpson-Lewis disclose a recording database containing information about a plurality of recordings made by the system, such information including recording number, media serial number, time and date of recording, and a reference key to the customer record in the customer database for the purchaser of the recording [Lewis, log database, col 18 lines 10-52].

22. As per claim 9, Tripp-Simpson-Lewis disclose at least one media file customization server for computing customizations on media file samples for the web site [Lewis, update the database record, col 17 lines 24-35].

23. As per claim 15, Tripp-Simpson-Lewis disclose the media files are encrypted [Lewis, encrypted, col 14 lines 26-48; col 15 lines 47-64; col 21 lines 39-57;.

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24. As per claim 16, Tripp-Simpson-Lewis disclose a recorder, the media recording client controlling the recorder with respect to insertion recording to and removal of a recording medium [Lewis, CD-ROM, col 18 lines 33-43;col 20 lines 45-55].

25. As per claim 17, Tripp-Simpson-Lewis disclose the files are duplicated on a recording medium selected from the group consisting of cassette tapes, DVD, CDROMS, floppy discs and video tapes [Lewis, CD-ROM, col 18 lines 33-43;col 20 lines 45-55]

26. As per claim 18, Tripp-Simpson-Lewis disclose multiple types of media files are recorded on one specimen of a recording medium [Lewis, CD-ROM, col 18 lines 33-43;col 20 lines 45-55].

***Allowable Subject Matter***

27. Claim 1 is allowable.

None of the prior art of record teaches the media file master server obtaining a Job from the processing job queue, acquiring files for the job in at least one area consisting of a media master file server local storage and the media file archival server, the media master file server sending the jobs requiring customization work to the generation queue and sending jobs not requiring customization work to the generation queue and sending jobs not requiring customization work to the recording queue, the media generation client retrieving the job from the generation queue, performing customization work and returning the job to the master media file server, the media

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recording client retrieving the job from the recording queue and duplicating' the files together with the unique digital identification number on a recording medium.

Examiner suggests the applicant canceled claim 35 (or amend claim 35 to consistent to claim 1) and/or move all dependent claims to claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Rupal Dharia*, can be reached at (571) 272-3880. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
*Patent Examiner*  
*Art Unit 2142*

